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|  <p>HAWAII HEALTH SYSTEMS C O R P O R A T I O N <i>"Touching Lives Everyday"</i></p> <p>Policies and Procedures</p> | <p>Quality through Compliance</p> | <p>Policy No.:</p> <p>ADM 0006</p> |
| | | <p>Revision No.:</p> <p>N/A</p> |
| <p>Subject: :</p> <p>Use of HHSC/State Vehicles</p> | <p>Issued by:</p> <p>Corporate Compliance Committee</p> | <p>Effective Date:</p> <p>6/1/00</p> |
| | <p>Approved by:</p> <p>Thomas M. Driskill Jr. President & CEO</p> | <p>Supersedes Policy:</p> <p>N/A</p> |
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- I. PURPOSE:** To ensure that the HHSC/State passenger vehicles are used only for HHSC/State business.
- II. POLICY:** According to Hawaii Revised Statutes ("HRS") Section 105.1, it is unlawful for any person to use an HHSC/State vehicle for personal use without a waiver. Where an HHSC/State vehicle has been assigned to an employee to drive to and from work through the facility specific waiver process, stops incidental to commuting to and from work may be made. Under no circumstance may an HHSC/State vehicle be used for pleasure trips.
- III. PROCEDURE:**
- A. Use of HHSC/State Vehicle Where the Employee has a Permit for the Vehicle**
- Those personnel who have a waiver for their HHSC/State vehicle (i.e., Regional CEOs) may go to a doctor's appointment, stop at the grocery store, drop a fellow employee off at his home, drop the children off at school, and make similar personal uses of the vehicle as long as this takes place between the employee's home and the employee's place of work. Examples of prohibited use of the HHSC/State vehicle include going to the beach, a ball game, or to the movies.
 - The waiver is obtained through the facility administrator on an annual basis (see guidelines use of a State vehicle where a permit has been issued to the employee).
- B. Other Use of the HHSC/State Vehicle (Trip by Trip or Daily Basis)**
- The HHSC/State vehicle may be signed out by licensed HHSC employees in order to carry out business related trips only. Each facility shall assign a manager to be responsible for the usage of the HHSC/State vehicles.
 - Business related trips are errands and other tasks that require the use of an HHSC/State vehicle to further the operations of the facility. Examples of business related trips include, but are not limited to, post office purchases for the facility and other types of facility related purchases, airport runs to transport off island dignitaries

and employees for meetings, delivery of documents or equipment for the facility, and any other trips in the HHSC/State vehicle that benefit the facility or HHSC. Examples of prohibited use of the HHSC/State vehicle include, but are not limited to, driving to personal appointments (haircut, doctor, etc.), trips to buy lunch, shopping for items not requested for the facility by management, trips to the post office for personal purchases, personal pick ups or deliveries, etc.

3. Except where a waiver has been obtained pursuant to law, all personnel shall use the HHSC/State vehicle to go from the facility to business meetings/errands and back to the facility. No stops or extra trips may be made to conduct personal business.
4. All managers will be responsible for monitoring the actions of their employees who use the HHSC/State vehicle to make sure that they are using the HHSC/State vehicle for business purposes only.

Attachments:

1. HHSC/State Vehicle Usage Form
2. HRS §105.1, HRS§105.2, HRS §105.3
3. Administrative Directive Re: Personal Use of Government Vehicles

CHAPTER 105
GOVERNMENT MOTOR VEHICLES

§105-1 Government motor vehicles; certain uses prohibited.

Except as provided in section 105-2, it shall be unlawful for any person to use, operate, or drive any motor vehicle owned or controlled by the State, or by any county thereof, for personal pleasure or personal use (as distinguished from official or governmental service or use) including, without limitation to the generality of the foregoing, travel by or conveyance of any officer or employee of the State, or of any county thereof, directly or indirectly, from his place of service or from his work to or near his place of abode, or, directly or indirectly, from such place of abode to his place of service or to his work. [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-10; HRS §105-1]

Attorney General Opinions

State may hold employee responsible for negligent damage to vehicle under the employee's control. Att.

§105-2 Exceptions. Section 105-1 shall not apply to:

- (1) The governor;
- (2) The mayor of any county;
- (3) Any member of a police department or a fire department or of the staff of a hospital, or any officer or employee of the board of water supply of the city and county of Honolulu, when using a motor vehicle for a personal purpose incidental to the person's service or work (but not for pleasure);
- (4) Any officer or employee of the State who, upon written recommendation of the comptroller, is given written permission by the governor to use, operate, or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the State;
- (5) Any officer or employee of any county who, upon written recommendation of the budget director, is given written permission by the mayor, to use, operate or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the county;
- (6) Any officer or employee of the State, or of any county, who, in case of emergency, because of the person's illness, or the person's incapacity caused by accident while at work, or because of the illness of a member of the person's immediate family including a

reciprocal beneficiary while the person is at work, is conveyed in a motor vehicle to the person's place of abode, or to a hospital or other place, but every such use of such a motor vehicle shall be certified to by the officer or by the head of the department, commission, board, bureau, agency, or instrumentality controlling or possessing the motor vehicle immediately thereafter, and the certificate shall be forthwith filed with the comptroller, in the case of the State, or with the budget director, in the case of a county; and

- (7) The assigned driver of a Van Go Hawaii vehicle or any other state ridesharing program vehicle. [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-11; am L 1965, c 11, §1; HRS §105-2; am L 1981, c 49, §1; gen ch 1993; am L 1997, c 383, §34]

Attorney General Opinions

Narcotics enforcement division investigators have authority for personal use of state vehicles incident to law enforcement purposes where prior written permission has been obtained from governor upon written recommendation of comptroller. Att. Gen. Op. 91-03.

§105-3 Permits revocable. Permits under section 105-2 may be limited to hours, routes, purposes or character of use, may extend to general classes of officers or employees, and may be canceled or revoked at any time without notice. The burden of proof shall be upon any officer or employee given a written permit under subdivisions (4) or (5) of section 105-2 to prove, in any proceedings, that the officer or employee had, at the time of so using, operating, or driving any such motor vehicle, an unrevoked written permit to so use, operate, or drive the same. Likewise, the burden of proof shall be upon any person conveyed in any such motor vehicle as provided in subdivision (6), section 105-2 to prove, in any proceedings, that the officer, or head of the department, commission, board, bureau, agency, or instrumentality, controlling or possessing such motor vehicle certified to such use and filed such certificate as required by subdivision (6). [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-12; HRS §105-3; gen ch 1985]

PERSONAL USE OF GOVERNMENT VEHICLES

REF: ADMINISTRATIVE DIRECTIVE NO. 7
POLICY FOR ADMINISTRATION OF EMPLOYEE PREREQUISITES

1. Under what conditions may employees be allowed the personal use of government vehicles?
 - a. When an employee is required to respond to emergencies at any hour of the day or night, and when the use of a government vehicle is essential to meet these contingencies; or
 - b. When government parking facilities are inadequate, or so located in an area exposed to vandalism or abuses; or
 - c. When the nature of an employee's work requires a government vehicle after normal working hours on a regular and sustained basis; or
 - d. When it is impractical to require an employee, who resides in the district in which he works, to travel daily to a central garage to pick up a vehicle and return to his district.
2. What shall "personal uses" consist of?
 - a. Personal uses of government vehicles should be restricted to direct travel between an employee's home and his place of work, and to such travel as would be incidental to driving to and from work; e.g., stopping at the grocery store on the way home, seeing the doctor, dropping a fellow employee off at his home, dropping the children off at school, etc. Pleasure uses, such as going to the ball game, movies, picnic or the beach, etc., are prohibited.

NOTES:

1. Employees required to respond to emergencies after working hours are also required to use a government vehicle which is specially marked, equipped, or capable of responding to the emergency. Examples are police, utility, 4-wheel drive, or emergency vehicles. Passenger sedans may be considered if the vehicle is used to transport clients or patients.
2. Vehicles which are housed at employee residences for protection and safe keeping should be garaged and maintained by the employee as a prerequisite to substantiate the cost benefit of permitting personal use of the vehicle.
3. Use of government vehicles for after hour meetings or for travel between employee residences and central base yards should be compared with mileage reimbursement computations and travel distances and actual mileage logs. Being on-call or attending night meetings should not be considered as valid reasons in themselves, as it is generally less costly for the State to reimburse employees for mileage when responding to emergencies or meetings.